



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1995

Ms. Sheree L. Rabe
Assistant City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-838

Dear Ms. Rabe:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34992.

The City of Georgetown (the "city") received a request for information regarding a call to police. The requestor named an individual who made the call, gave certain details about the call, and asked for all information regarding the call. Prior to releasing the call card to the requestor, you redacted the identity of the individual who made the call, her address, telephone number, and details provided in the call card narrative. You seek to withhold this information pursuant to section 552.108 and the informer's privilege aspect of section 552.101.

You explain that the individual who made the call has an outstanding protective order. We note that the named individual's home address and telephone number were withheld in the protective order pursuant to section 71.111 of the Family Code, which allows the court to exclude this type of information from public court records. You have also provided information indicating that this individual has been the victim of various forms of domestic violence and stalking. You state that the police call card does not report a specific violation of the law, but rather that the individual called police as a safety precaution in order to prevent a possible violent confrontation.

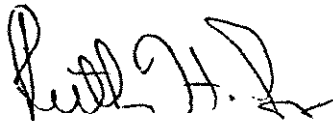
We assume that that the requested information provides the individual's current home address and telephone number. We agree that this information may be withheld from disclosure pursuant to section 552.108, and have marked the documents accordingly. Although there is not an active, ongoing investigation, section 552.108

excepts information from disclosure when its release would unduly interfere with law enforcement. Open Records Decision No. 616 (1993) at 1. This office determines whether the release of particular records will unduly interfere with law enforcement on a case-by-case basis. Open Records Decision No. 408 (1984) at 2. In this situation, you have demonstrated the applicability of section 552.108 to the individual's home address and home telephone number.

However, we see no reason to withhold the individual's name or the portions of the call card narrative that do not disclose the individual's address or telephone number. The person who has been accused of domestic violence and stalking knows this individual's name. The release of the individual's name and part of the call card narrative would not appear to unduly interfere with law enforcement interests. *Id.* Also, since the person accused of stalking and other actions against the individual already knows her name, the informer's privilege aspect of section 552.101 is inapplicable. *See Rovario v. United States*, 353 U.S. 53 (1957); Open Records Decision Nos. 549 (1990) at 5, 202 (1978) at 2 (informer's privilege exception is not applicable when the identity of the informer is known to the subject of the communication).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/MAR/rho

Ref.: ID# 34992

Enclosures: Marked documents

cc: Mr. Richard D.C. Shrader, Jr.
1235 Eagle's Landing Parkway
Stockbridge, Georgia 30281
(w/o enclosures)